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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/674,852 Confirmation No. : 5694
First Named Inventor : Axel SCHAMAL
Filed : December 14, 2000
TC/A.U. : 2859
Examiner : Travis Reis
Docket No. : 225/49355
Customer No. : 23911
Title : Device for Determining The Position or Size of a Hole

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is filed in response to the Office Action dated October 6, 2004.

Claims 1, 3-6, and 8-10 remain in this application, and reconsideration of the application is requested.

Independent claims 1 and 6 are rejected, along with dependent claims 3 and 4, as being unpatentable over newly cited U.S. Patent 4,907,929 to Johnston Jr. in view of newly cited U.S. Patent 2,962,317 to Morse. Reconsideration is requested.

The Examiner contends that the Johnston Jr. patent "discloses a device comprising a spike (16)...." Element 16 of the Johnston Jr. configuration, however, is an anchor bolt and cannot be properly characterized as a "spike."

Both axial removal and unscrewing of the Johnston Jr. cover 20 are prevented in the manner discussed in lines 48-53 of column 4 of the Johnston Jr. patent. The Examiner therefore mischaracterizes the Johnston Jr. cover 20 as

“an attachment element” which is “releasably connectable” to the Johnston Jr. anchor bolt 16.

Finally, in the preferred embodiment illustrated and discussed throughout the Johnston Jr. patent, each anchor bolt 16 is embedded in a concrete foundation 14. Consequently, while it is true that the Morse patent discloses several forms of a magnetic nut 10, in the context of the Johnston Jr. disclosure, the Examiner’s proposal to “replace the insert” supposedly formed by the Johnston Jr. nut 18 “with the magnetic nut disclosed by Morse in order to solidly secure the device” supposedly formed by the Johnston Jr. anchor bolt 16 and the Johnston Jr. cover 20 “against component surfaces that are made of metal” makes no sense.

The rejection set forth in section 3 on pages 2-3 of the Office Action is inappropriate for reasons discussed above, the Johnston Jr. and Morse patents, taken as a whole, do not suggest the subject matter of either claim 1 or claim 6, and the rejection of claims 1 and 6 based on the Johnston Jr. and Morse patents should be withdrawn. The rejection of claims 3 and 4, which depend on claim 1, should be withdrawn as well.

Independent claims 5 and 8-10 are rejected as being unpatentable over the Johnston Jr. and Morse patents as applied to claims 1, 3, 4, and 6, and further in view of U.S. Patent 4,220,187 to Holmes. This rejection relies on the same interpretation of the Johnston Jr. disclosure and the same proposed modification

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to the Johnston Jr. configuration discussed above and should be withdrawn for the same reasons.

It is respectfully submitted that all claims as they presently appear in this application are allowable for reasons discussed above. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Date: February 2, 2005

Respectfully submitted,



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